

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77200 of 2019**

Arising Out of PS. Case No.-216 Year-2019 Thana- CHAUTHAM District- Khagaria

RAJESH KUMAR @ RAKESH KUMAR S/o Dashartha Singh @ Dashrath
Singh R/o village- Nawada, P.S.- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.

For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Excise and Prohibition Act, 2016.

The prosecution case is that on 18.09.2019, at 2.45 P.M., the informant, being the police officer, received information that one Prabhat Kumar, son of Manohar Singh along with Rajesh Kumar Singh @ Dibba, son of Nago Singh, Mantush Kumar Singh @ Aryan, son of Baban Singh, Rupesh Kumar, son of Chedi Singh @ and the petitioner Rakesh Kumar, son of Dashrath Singh have stored the illicit liquor in the land of co-accused, Rajesh Kumar Singh @ Dibba. On search being made, from the land of co-accused, Rajesh Singh,



72 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused, Prabhat Kumar and the said recovery has been made from the land of co-accused, Rajesh Kumar Singh @ Dibba, son Nago Singh, whereas, the petitioner's name is Rajesh Kumar @ Rajesh Kumar, son of Dashratha Singh @ Dashrath Singh. It is further submitted that apart from the present case, the petitioner is accused in one other case.

Learned APP for the State submits that the petitioner's name sprang up as a person who along with the other co-accused stored the illicit liquor.

Considering the fact that the thrust of accusation is against co-accused, Prabhat Kumar and the said recovery has been made from the land of co-accused, Rajesh Kumar Singh @ Dibba, son Nago Singh, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Khagaria, in connection with Chautham P.S. Case No.216 of 2019, G.R. No.



2830 of 2019, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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